

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JAMES S. HAWKINS-EL III and
VALERIE GASTON,

Civil Action No. CV-05-3222
(LB) (DLI)

Plaintiffs,

v.

**NOTICE OF MOTION BY DEFENDANT
TO DISMISS COMPLAINT PURSUANT
TO FED. R. CIV. P. 12(B) (6)**

AIG FEDERAL SAVINGS BANK,

Defendant.

SIR AND MADAM:

PLEASE TAKE NOTICE that on September 8, 2005, at nine o'clock in the forenoon or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendant AIG Federal Savings Bank, will move before the Honorable Dora L. Irizarry, U.S.D.J., at the United States District Court, Eastern District of New York, at 225 Cadman Plaza East, Brooklyn, New York, for an Order dismissing plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b)(6); and

PLEASE TAKE FURTHER NOTICE that in support of the within motion, Defendant AIG Federal Savings Bank, shall rely upon the Memorandum of Law, submitted in support of its motion; and

PLEASE TAKE FURTHER NOTICE that at the time and place aforesaid, Defendant AIG Federal Savings Bank will request that the proposed form of Order submitted herewith be entered by the Court.

PITNEY HARDIN LLP
Attorneys for Defendant
AIG FEDERAL SAVINGS BANK

By: 

Marc A. Meyer (MM-4928)
For the Firm

DATED: New York, New York
July 25, 2005

TO: James S. Hawkins-El III and Valerie Gaston
Pro Se Plaintiffs
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Rockaway Beach, New York